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1753

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Sadao KADOKURA : Examiner VERSTEEG, Steven H.
Serial No. 09/998,235 : Art Unit 1753
Filed: December 3, 2001 : Customer No.: 38834

For FACING-TARGETS-TYPE SPUTTERING APPARATUS AND METHOD

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 1.181(a)

Mail Stop Petitions
Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 21, 2004

Sir:

On December 19, 2003, the Patent Office has issued a Notice of Abandonment, indicating that the above-identified application is abandoned for "Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in the Notice of Allowability (PTOL-37). It is further stated that "No corrected drawings have been received."

Five pages of formal drawings were timely filed to the U.S. Patent and Trademark Office on September 24, 2003. A copy of the return postcard with a U.S. Patent and Trademark Office official stamp establishing that the formal drawings were timely received by the Office is attached herewith as Addendum A.

Issue fee was also paid on September 24, 2003, well before the final due date of October 15, 2003. A copy of the issue fee transmittal is enclosed herewith as Addendum B.

Therefore, the Undersigned Attorney respectfully request under 37 CFR 1.181(a) and MPEP 711.03(c)(I) that the holding of abandonment be withdrawn.

Though it is clearly stated in MPEP 711.03(c)(I) that where an applicant contends that the application is not in fact abandoned, a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course or action and such petition does not require a fee, in case of oversight, the Commissioner is hereby authorized to charge any underpayment of fees or credit any overpayment of fees in connection with this communication to Deposit Account Number 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



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MNL/eg/asc

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38834
PATENT TRADEMARK OFFICE

Enclosure: Addendum A: Five Pages of Formal Drawings and Copy of Return
Postcard filed September 24, 2003
Addendum B: Copy of Issue Fee Transmittal filed September 24,
2003

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